

1 MICHAEL J. SHEPARD (SBN 91281)
mshepard@kslaw.com

2 **KING & SPALDING LLP**
3 50 California Street, Suite 3300
San Francisco, California 94111
4 Telephone: +1 415 318 1221

5 KERRIE C. DENT (admitted *pro hac vice*)
kdent@kslaw.com

6 **KING & SPALDING LLP**
7 1700 Pennsylvania Avenue, NW, Suite 900
Washington, DC 20006-4707
8 Telephone: +1 202 626 2394

9 CINDY A. DIAMOND (SBN 124995)
cindy@cadiamond.com

10 **ATTORNEY AT LAW**
11 58 West Portal Ave #350
San Francisco, CA 94127
12 Telephone: +1 408 981 6307

13 Attorneys for Defendant
14 ROWLAND MARCUS ANDRADE

15
16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

19 THE UNITED STATES OF AMERICA,

20 Plaintiff,

21 v.

22 ROWLAND MARCUS ANDRADE,

23 Defendant.

Case No. 3:20-cr-00249-RS-LBx

**DECLARATION OF KERRIE C. DENT
IN SUPPORT OF DEFENDANT
ANDRADE'S MOTION TO COMPEL THE
GOVERNMENT'S COMPLIANCE WITH
THE COURT'S AUGUST 1, 2024 ORDER**

24 Date: September 12, 2024
25 Time: 10:30 a.m.
26 Judge: Hon. Laurel Beeler

1 Kerrie C. Dent, counsel for Defendant Marcus Andrade, states as follows:

2 1. I am one of the lawyers representing Defendant Marcus Andrade in the above-
3 captioned matter. I have personal knowledge of the discovery disputes and related
4 correspondence between the government and defense counsel and, if called as a witness in this
5 matter, could competently testify to the matters stated in this Declaration.

6 2. On August 1, 2024, the Court issued a discovery order stating, *inter alia*, that:
7 “By Friday, August 23, 2024, absent any objection by Mr. Levin, the government must produce
8 an image of the phone to the defense.” Dkt. #332 at 2:11-13.

9 3. On August 23, 2024, I received an email from AUSA David Ward informing me
10 that, earlier that day, he received an email from Mr. Buckley, the former lawyer for Alexander
11 Levin. Mr. Buckley asserts in the email that he no longer represents Alexander Levin, but
12 nonetheless offers his perspective that he does “not understand” how Levin could have
13 abandoned his devices “as they were seized pursuant to a warrant and without the consent of Mr.
14 Levin.” I attach a copy of the email as Exhibit A to this declaration.

15 4. My colleagues and I were already aware that Mr. Buckley does not represent
16 Levin. When I reached out to him in November 2023 in an attempt to serve a subpoena for
17 Levin’s iPhone, Mr. Buckley informed me that he no longer represents Levin. He confirmed this
18 in his August 23, 2024 email to AUSA Ward, stating: “I do not currently represent Mr. Levin, as
19 we have discussed.” *See* Exh. A.

20 I declare under penalty of perjury that the foregoing is true and correct, and that this
21 declaration was executed on August 27, 2024 in McLean, Virginia.

22
23 /s/ Kerrie C. Dent

24 KERRIE C. DENT
25
26
27
28

EXHIBIT A

From: [Ward, David \(USACAN\)](#)
To: [Kerrie Dent](#); [Cindy Diamond](#); [Mike Shepard](#)
Cc: [Highsmith, Christiaan \(USACAN\)](#); [Chou, Matthew \(USACAN\)](#)
Subject: U.S. v. Andrade - Updates
Date: Friday, August 23, 2024 3:08:34 PM

CAUTION: MAIL FROM OUTSIDE THE FIRM

Kerrie – Wanted to check in with you on a couple of items.

First, Scooter Slade has been appointed as the CISO for our CIPA litigation. His contact information is below. Please feel free to reach out to him directly.

W. Scooter Slade

Classified Information Security Officer to the Courts

Supervisory Security Specialist

DOJ-Litigation Security Group

145 N Street NE, Suite 2W-115

Washington, DC 20530

(202) 514-9016 – Office

(202) 598-0351 – Mobile

(202) 307-2066 - Fax

Scooter.Slade@usdoj.gov

Second, we heard today from Alexander Levin's former attorney Sean Buckley (see email below). Given his response and objection, we would propose that we file a Joint Status Report to Judge Beeler updating her on this communication. We can draft it and leave a section for you to insert your response. Let me know what you think.

Third, just a reminder that the boxes of documents from Mr. Abramoff's old case are in the possession of FBI San Francisco and are available for your review (see my 8/7/24 email).

Thanks,

Dave

David J. Ward

Assistant United States Attorney

U.S. Attorney's Office, Northern District of California

Work: (415) 436-6934

Mobile: (415) 361-6146

From: Sean S. Buckley <Sean.Buckley@kobrekim.com>

Sent: Friday, August 23, 2024 1:46 PM

To: Ward, David (USACAN) <DWard@usa.doj.gov>

Cc: Highsmith, Christiaan (USACAN) <chighsmith@usa.doj.gov>; Chou, Matthew (USACAN) <MChou@usa.doj.gov>

Subject: Re: [EXTERNAL] RE: Alexander Levin

Thank you, Dave. I do not currently represent Mr. Levin, as we have discussed. That said, and despite the Magistrate's order, I do not understand how these materials are "abandoned property" as they were seized pursuant to a warrant and without the consent of Mr. Levin. I believe Mr. Levin maintains a valid privacy interest in those materials given the nature of how they were taken and maintained. To be clear, while I do not represent Mr. Levin, I want to make clear that neither I nor Mr. Levin (to my knowledge) has disclaimed or waived any privacy interest in devices that were taken from him without his consent pursuant to compulsory process from the Government.

Sean S. Buckley
+1 212 488 1253



www.kobrekim.com

Americas (New York, Delaware, Miami, San Francisco, São Paulo, Washington DC)
APAC (Hong Kong, Seoul, Shanghai), **Caribbean** (BVI, Cayman Islands), **EMEA** (Cyprus, Dubai, London, Tel Aviv)

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